



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/863,693   | 05/23/2001  | W. Robert Arathoon   | P1099R1C1           | 1782             |
| 23552  | 7590        | 03/16/2004           | EXAMINER            |                  |
| MERCHANT & GOULD PC<br>P.O. BOX 2903<br>MINNEAPOLIS, MN 55402-0903 |             |                      | RAWLINGS, STEPHEN L |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |

1642

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

### Notice of Non-Compliant Amendment

The amendment filed on September 25, 2003 is considered non-compliant because it failed to meet the requirements of 37 CFR § 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment must be re-submitted.** 37 CFR § 1.121(h).

The amendment is non-compliant because the "Listing of Claims" is not marked up to clearly show each change made relative to the immediate prior version of the claims; see, in particular, claim 33, lines 7 and 9.

For further explanation of the amendment format required by 37 CFR § 1.121, see MPEP § 714 and the USPTO website at

<http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

As the non-compliant amendment is reply to a NON-FINAL OFFICE ACTION, and since the amendment appears to be a bona fide attempt to be a reply (37 CFR § 1.135(c)), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this notice within which to re-submit the corrected section which complies with 37 CFR § 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.


Art Unit: 1642

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne (Bonnie) Eyler, Ph.D. can be reached on (571) 272-0871. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Stephen L. Rawlings, Ph.D.  
Examiner  
Art Unit 1642

slr  
March 5, 2004

  
YVONNE EYLER, PH.D.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600